

REMARKS

In the communication filed August 27, 2009, the Examiner required the election of a single species. Accordingly, Applicants elect without traverse the following:

Group A: Lactose;

Group B: Magnesium alumino metal silicate; and

Group C: (i) low-substituted hydroxypropyl cellulose
(ii) crystalline cellulose.

All of the claims, either directly or indirectly, read on the elected species.

Further, Applicants reserve the right to file divisional applications on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Divisional applications filed thereafter should not be subject to double-patenting ground of rejection, 35 U.S.C. § 121, *In re Joyce* (Comr. Pats. 1957) 115 USPQ 412.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803).

Applicants make no statement regarding the patentable distinctness of the species but note that for the restriction to be proper there must be patentable differences.

Applicants submit that the above identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.

Respectfully submitted,

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